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Attorneys for Cross-Defendant
SWINERTON BUILDERS

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARGIE CHERRY and ESTORIA
CHERRY on behalf of themselves and all
others similarly situated,

Plaintiff,

v.

THE CITY COLLEGE OF SAN
FRANCISCO ("City College"), et al.,

Defendant.

SAN FRANCISCO COMMUNITY
COLLEGE DISTRICT,

Cross-Complainant,

v.

SWINERTON & WALBERG
COMPANY, a California corporation;
VANIR CONSTRUCTION
MANAGEMENT, INC., a California
corporation; PATRI, BURLAGE,
MERKER, ARCHITECTS, a California
corporation, and its successor-in-interest
PATRI, MERKER, ARCHITECTS, INC.,
a California corporation; NIBBI BROS.
INC., a California corporation, and ROES
1-20,

Cross-Defendants.

No. C04-4981 WHA

**AMENDED STIPULATION AND
~~[PROPOSED]~~ ORDER SHORTENING
TIME TO HEAR SWINERTON
BUILDER'S MOTION FOR
DETERMINATION OF GOOD FAITH
SETTLEMENT**

1 **IT IS HEREBY STIPULATED** by and between the parties that the Motion of Swinerton
2 Builders (hereinafter "Swinerton") for Determination of Good Faith Settlement currently set for
3 January 4, 2007, be heard on shortened time. Rather than the standard notice and briefing
4 schedule, the parties respectfully request that the Court hear the matter on shortened time and set
5 the following briefing schedule:

6 (1) The Motion was e-filed and e-served on November 28, 2006, Cross-Defendant Nibbi
7 Brothers was personally served with the Motion on December 1, 2006;

8 (2) Opposition papers to be e-filed and e-served by noon on December 11, 2006;

9 (3) Reply papers to be e-filed and e-served by noon on December 12, 2006; and

10 (4) Motion to be heard at 8:00 a.m. on December 14, 2006.

11 Swinerton's Motion for Determination of Good Faith Settlement is appropriate as the
12 settlement agreement entered into between Swinerton and the San Francisco Community College
13 District is contingent on the Court's determination that it was entered into in good faith. A
14 prompt determination on this issue will enable the parties to finalize the resolution of this dispute.

15 Since Swinerton was served with the Cross-Complaint in this action there has only been
16 one time extension; the District granted Swinerton a 20-day extension to file its responsive
17 pleading. In addition, in July 2006, the parties requested that the Court continue the Case
18 Management Conference scheduled for August 17, 2006 for 30 days. This request was denied.

19 Hearing this motion on shortened time will not impact the remaining schedule for this
20 case. Because all other parties are also in the process of finalizing settlements with the District,
21 hearing this motion on shortened time will enable to Court to clear this case from its docket much
22 earlier than if the parties are forced to wait the full 35 days from service to have this matter heard.

1 DATED: December 1, 2006

Hanson Bridgett Marcus Vlahos & Rudy,
LLP

2
3
4 By: 

GREGORY J. KORBEL
Attorneys for Cross-Defendant
SWINERTON BUILDERS

5
6 DATED: December 1, 2006

Stubbs & Leone

7
8
9 By: _____ /s/

KATHLEEN DARMAGNAC
Attorneys for Cross-Complainant
SAN FRANCISCO COMMUNITY
COLLEGE DISTRICT

10
11
12 DATED: December 1, 2006

Gordon & Rees

13
14 By: _____ /s/

LISA A. PERROT
Attorneys for Cross-Defendant PATRI
BURLAGE MERKER ARCHITECTS and
its successor-in-interest PATRI, MERKER,
ARCHITECTS, INC.

15
16
17
18 DATED: December 1, 2006

Vanir Construction Management, Inc.

19
20 By: _____ /s/

H. VINCENT MCLAUGHLIN
Attorneys for Cross-Defendant VANIR
CONSTRUCTION MANAGEMENT INC.

21
22
23 DATED: December 1, 2006

Law Offices of Gregory R. Shaughnessy

24
25 By: _____ /s/

GREGORY R. SHAUGHNESSY
Attorneys for Cross-Defendant NIBBI
BROS. CONSTRUCTION

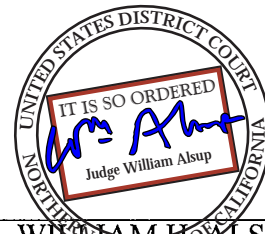
ORDER

For good cause shown, the parties' stipulation is approved. The hearing on Swinerton Builder's Motion for Determination of Good Faith Settlement currently set for January 4, 2007, shall be heard on shortened time pursuant to the following briefing schedule.

- (1) The Motion will be e-filed and e-served with this stipulation on November 28, 2006;
- (2) Opposition papers to be e-filed and e-served by noon on December 11, 2006;
- (3) Reply papers to be e-filed and e-served by noon on December 12, 2006; and
- (4) Motion to be heard at 8:00 a.m. on December 14, 2006.

IT IS SO ORDERED

Dated: December 5, 2006



HON. WILLIAM H. ALSUP
United States District Judge